

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 12-20218

DAVID LAMONT HOLLAND,

Sean F. Cox

United States District Court Judge

Defendant.

_____ /

ORDER TRANSFERRING SUCCESSIVE § 2255 MOTION

In this criminal action, Defendant David Lamont Holland (“Defendant”) was convicted of robbery and firearm offenses and was sentenced to 240 months of imprisonment.

Defendant did not file a direct appeal. In 2016, Defendant filed a Motion to Vacate Sentence, pursuant to 28 U.S.C. § 2255, which was denied by this Court.

Defendant later filed other § 2255 Motions, that were transferred to the United States Court of Appeals for the Sixth Circuit as a second or successive motion.

On February 29, 2024, Defendant filed another *pro se* submission, that appears to be another successive § 2255 motion (ECF No. 692), along with a motion asking this Court to appoint counsel for him. (ECF No. 691)..

A defendant seeking to file a second or successive motion under 28 U.S.C. § 2255 must first ask the appropriate court of appeals for an order authorizing the district court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A); 28 U.S.C. § 2255(h). When a defendant files a second or successive motion in the district court without authorization from the court of appeals, the district court must transfer the motion to the court of appeals pursuant to 28 U.S.C. § 1631. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Defendant Holland has not obtained authorization from the Sixth Circuit to file a second or successive petition in this Court. Thus, this Court lacks jurisdiction over this successive § 2255 motion and the matter must be transferred to the Sixth Circuit.

Accordingly, **IT IS ORDERED** that the Clerk shall **TRANSFER** this motion (ECF No. 692) to the United States Court of Appeals for the Sixth Circuit.

In light of that action, the Court **FURTHER ORDERS** that Defendant's request for counsel (ECF No. 691) is **DENIED**.

IT IS SO ORDERED.

Dated: April 10, 2024

s/Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on April 10, 2024, the document above was served on counsel and/or the parties of record via electronic means and/or First Class Mail.

s/J. McCoy
Case Manager